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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,174	12/28/2001	Maurizio Boiocchi	07040.0115	4632

7590 01/03/2005

Finnegan, Henderson, Farabow,
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Washington, DC 20005-3315

EXAMINER

MAKI, STEVEN D

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

10/029,174

Applicant(s)

BOIOCCHI ET AL.

Examiner

Steven D. Maki

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: new issues: see advisory action attachment.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see advisory action attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: 24.

Claim(s) rejected: 16-23 and 25-34.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____.

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Advisory Action Attachment

new issues

In the after final amendment filed 12-20-04, the new issues include:

(1) writing claim 24 in independent form *without* --wherein a sum of widths of the lateral shoulder regions is less than or equal to 60% of the overall width, and wherein the width of each of the lateral shoulder regions is not less than 20% of the overall width-- (claim 24 depends on claim 23 which in turn depends on independent claim 16 which recites the above noted omitted limitation);

(2) in claim 34, deleting --wherein a sum of widths of the lateral shoulder regions is less than or equal to 60% of the overall width, and wherein the width of each of the lateral shoulder regions is not less than 20% of the overall width-- *without* canceling claim 25;

(3) amending claims 17, 19, 20, 23, 26, 27 and 28 to change their respective dependency from claim 16 to amended claim 34 in which --wherein a sum of widths of the lateral shoulder regions is less than or equal to 60% of the overall width, and wherein the width of each of the lateral shoulder regions is not less than 20% of the overall width-- is deleted.

remarks

Applicant argues that fundamental structural differences exist between Japan '606 and Japan '704. Applicant's argument is not persuasive. Japan '606 and Japan '704 share the common subject matter of a rib-block pattern (a tread pattern comprising

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"ribs" and "blocks"). This common subject matter is a structural similarity instead of fundamental structural difference.

Applicant also argues that Japan '704 teaches neither the continuous track limitation nor how such continuous tracks would affect its desired improved water drainage, steering stability and grip capability at the time of cornering. The claimed continuous track and shoulder blocks define a "rib" at the shoulder of the tread. Japan '606 teaches arranging rows of central "blocks" between "ribs" at the shoulders of the tire. See figure 1 of Japan '606. Since Japan '704 teaches that the disclosed circumferential groove cross section (corresponding to the claimed circumferential groove cross section) may be applied to "... tires that have longitudinal grooves in a block pattern, rib-lug pattern, or rib-block pattern" (page 7 second to last paragraph of translation for Japan '704), there is a reasonable expectation of success that the improved drainage performance, steering stability and gripping performance described by Japan '704 will be obtained when Japan '704's circumferential groove cross section is applied to Japan '606's tread which has circumferential grooves in a rib-block pattern as shown in figure 1.

As to the alternative reference to Croyle et al, applicant argues that fundamental structural differences exist between Japan '606 and Croyle et al. Applicant's argument is not persuasive. Japan '606 and Croyle et al share the common subject matter of a high performance tire having rows of central blocks. This common subject matter is a structural similarity instead of fundamental structural difference.

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Applicant also argues that Croyle et al teaches neither the continuous track limitation nor how such continuous tracks would affect its desired improved lateral stiffness and superior high speed cornering. The claimed continuous track and shoulder blocks define a "rib" at the shoulder of the tread. Japan '606 teaches arranging rows of central "blocks" between "ribs" at the shoulders of the tire. See figure 1 of Japan '606. Since Croyle et al (a) shows applying the disclosed circumferential groove cross section to a tread pattern comprising blocks and (b) teaches that the tread may also employ ribs (col. 7 lines 21-23), there is a reasonable expectation of success that the improved lateral stiffness and superior high speed cornering described by Croyle et al will be obtained when Croyle et al's circumferential groove cross section is applied to Japan '606's tread which has circumferential grooves in a rib-block pattern as shown in figure 1.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki
December 29, 2004


STEVEN D. MAKI 12-29-04
PRIMARY EXAMINER
~~GROUP 1300~~
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